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**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:07-cv-04958-ENV-LB**

Keita v. U.S. Small Business Administration et al
Assigned to: Judge Eric N. Vitaliano
Referred to: Magistrate Judge Lois Bloom
Cause: 28:1331 Fed. Question

Date Filed: 11/27/2007
Date Terminated: 03/15/2010
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Mohamed Keita

represented by **Mohamed Keita**
863 Father Capodanno Blvd.
Staten Island, NY 10305
718-448-5703/718-351-1258
PRO SE

V.

Defendant

U.S. Small Business Administration
Office of Disaster Assistance

represented by **William B. Young**
United States Attorneys Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201-1820
(718) 254-6057
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ATTORNEY TO BE NOTICED

Defendant

Jane Peas
Disaster Assistance Office

represented by **William B. Young**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**U.S. Small Business Administration-
PDC Disaster Assistance**

represented by **William B. Young**
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|-------------------|--|
| 11/27/2007 | 1 | COMPLAINT against U.S. Small Business Administration, Jane Peas, U.S. Small Business Administration-PDC Disaster Assistance, filed by Mohamed Keita. (Attachments: # 1 Civil Cover Sheet) (Davis, Kimberly) (Entered: 11/30/2007) |
| 11/27/2007 | 2 | MOTION for Leave to Proceed in forma pauperis by Mohamed Keita. (Davis, Kimberly) (Entered: 11/30/2007) |
| 12/19/2007 | 3 | ORDER, granting 2 Motion for Leave to Proceed in forma pauperis. The US Marshals Service is directed to serve the summons and complaint upon the defts w/o prepayment of fees. (Ordered by Magistrate Judge Lois Bloom on 12/18/07) c/m (Galeano, Sonia) (Entered: 12/19/2007) |
| 12/19/2007 | | Summons Issued as to U.S. Small Business Administration, Jane Peas, U.S. Small Business Administration-PDC Disaster Assistance. (Courtesy Copy to, U.S. Attorney EDNY and U.S. Attorney General) (Galeano, Sonia) (Entered: 12/19/2007) |
| 01/11/2008 | 4 | Letter MOTION to Expedite <i>the hearing of pltff's complaint</i> , filed by Mohamed Keita. (Galeano, Sonia) Fwd. to USDJ Vitaliano. (Entered: 01/17/2008) |
| 03/07/2008 | 5 | First MOTION for Extension of Time to File Answer by U.S. Small Business Administration, Jane Peas, U.S. Small Business Administration-PDC Disaster Assistance. (Young, William) (Entered: 03/07/2008) |
| 03/12/2008 | | Endorsed ORDER on document #5, granting 5 Motion for Extension of Time to Answer. Ordered by Magistrate Judge Lois Bloom on 03/11/08.c/m (Galeano, Sonia) (Entered: 03/12/2008) |

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| 04/22/2008 | 6 | Notice of MOTION for Default Judgment as to <i>Defendants</i> ; filed by Mohamed Keita, dated 4/18/2008. (Latka-Mucha, Wieslawa) (Entered: 04/25/2008) |
| 05/01/2008 | 7 | Letter dated 4/28/2008 from Erika V. Hoppes, Counsel for the U.S. Small Business Administration, to pro se Mohamed Keita, in response to plaintiff's 6 Notice of Motion for Default Judgment. W/O Enclosures. (Latka-Mucha, Wieslawa) (Entered: 05/02/2008) |
| 05/12/2008 | 8 | MOTION for an Order pursuant to Rule 33 & Rule 34, (see exhibits attached) filed by Mohamed Keita. (Galeano, Sonia) Fwd. to USDJ Vitaliano. (Entered: 05/16/2008) |
| 05/19/2008 | 9 | Letter <i>Cover letter for motion to dismiss complaint or for summary judgment.</i> by U.S. Small Business Administration (Young, William) (Entered: 05/19/2008) |
| 05/19/2008 | 10 | Letter <i>Cover letter for SBA's response to plaintiff's motion for default.</i> by U.S. Small Business Administration (Young, William) (Entered: 05/19/2008) |
| 05/20/2008 | 11 | Letter <i>Defendant's motion to dismiss or for summary judgment - cover letter</i> by U.S. Small Business Administration (Young, William) (Entered: 05/20/2008) |
| 05/20/2008 | 12 | Letter <i>Response to Plaintiff's motion for a default judgment - cover letter</i> by U.S. Small Business Administration (Young, William) (Entered: 05/20/2008) |
| 05/22/2008 | | ENDORSED ORDER on doc. #8, pltff's 8 Motion is denied. Discovery request is premature as defts have moved to dismiss. Discovery is stayed pending a decision on deft's motion. (Ordered by Magistrate Judge Lois Bloom on 5/21/08) c/m (Galeano, Sonia) (Entered: 05/22/2008) |
| 05/22/2008 | | ENDORSED ORDER on doc. #6, pltff's 6 Motion for Default Judgment is denied. Defts have moved to dismiss. (Ordered by Magistrate Judge Lois Bloom on 5/21/08) c/m (Galeano, Sonia) (Entered: 05/22/2008) |
| 06/04/2008 | 13 | SUMMONS Returned Executed by Mohamed Keita. U.S. Small Business Administration served on 5/9/2008, answer due 7/8/2008; Jane Peas served on 5/9/2008, answer due 7/8/2008; U.S. Small Business Administration-PDC Disaster Assistance served on 5/6/2008, answer due 7/7/2008. US ATTY EDNY served on 1/28/08 and US ATTY GENERAL served on 1/30/08. (Galeano, Sonia) (Entered: 06/04/2008) |
| 06/06/2008 | 14 | Pltff's MOTION Not to Dismiss and Pltff's MOTION to Compel Discovery, filed by Mohamed Keita. (Galeano, Sonia) Fwd. to USDJ Vitaliano. (Entered: 06/06/2008) |

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| 06/10/2008 | 1 5 | First MOTION to Dismiss by U.S. Small Business Administration, First MOTION for Summary Judgment by U.S. Small Business Administration (Responses due by 6/27/2008) by U.S. Small Business Administration, Jane Peas, U.S. Small Business Administration-PDC Disaster Assistance. (Attachments: # 1 Notice of Motion to dismiss or, in the alternative for summary judgment, # 2 Memorandum in Support, # 3 Rule 56.1 Statement Defendant's statement of material facts, # 4 Affidavit Declaration of Francis W. Bieber, # 5 Affidavit Declaration of Jane M. Pease, # 6 Notice of Motion to Pro Se litigant who opposes a Rule 12 or summary judgment motion, # 7 Affidavit Plaintiff's motion not to dismiss and to compel discovery) (Young, William) (Entered: 06/10/2008) |
| 07/25/2008 | 1 6 | Letter dated 7/23/08 from Mohamed Keita to Judge Vitaliano, requesting a decision in this civil action, due to bank foreclosure of pltff's dwelling. (Fwd. to USDJ Vitaliano) (Galeano, Sonia) (Entered: 07/29/2008) |
| 09/15/2008 | 1 7 | Letter undated from Mohamed Keita to USDJ Vitaliano, informing that petitioner's name and "self" has been missed identified with "Mohammed A. Keita" indicted by Queens DA for mortgage fraud in 2007; and that he is not this person. (fwd. to USDJ Vitaliano) (Galeano, Sonia) (Entered: 09/22/2008) |
| 09/30/2008 | | ENDORSED ORDER on doc. #4, the Clerk of Court shall terminate as moot, pltff's 4 Motion to Expedite. (Ordered by Magistrate Judge Lois Bloom on 9/29/08) c/m (Galeano, Sonia) (Entered: 09/30/2008) |
| 02/03/2010 | 1 8 | MEMORANDUM AND ORDER: In line with the foregoing, plaintiff's causes of action for judicial review of his loan application denials are dismissed with prejudice. Plaintiff's claims against individual federal officials for monetary damages are dismissed, but, in light of Keita's <i>pro se</i> status, the Court grants him until 3/8/2010 to amend his complaint so as to set forth proper <i>Bivens</i> claims. The new pleading must be captioned "Amended Complaint", and shall bear docket number 07-CV-4958. In the amended complaint, plaintiff is directed to bring the lawsuit against individual federal officials whom he claims violated his constitutional rights, and to set forth supporting facts with sufficient particularity to judge their plausibility. Failure to do so will result in the dismissal of the entire action with prejudice. Plaintiff's 14 motion to compel discovery is denied with leave to review should plaintiff file a plausible amended complaint that complies with the pleading requirements of Rule 8 as explicated in <i>Iqbal</i> . SO ORDERED. (Ordered by Judge Eric N. Vitaliano, on 2/3/2010) C/mailed. (Latka-Mucha, Wieslawa) (Entered: 02/03/2010) |
| 02/12/2010 | 2 0 | AMENDED COMPLAINT against Jane Peas, filed by Mohamed Keita. (Galeano, Sonia) (Entered: 02/19/2010) |
| 02/16/2010 | 1 9 | MOTION to Amend/Correct/Supplement <i>Complaint by submitting additional defts, filed</i> by Mohamed Keita. (Galeano, Sonia) (Entered: 02/19/2010) |

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| 02/19/2010 | <u>2</u> <u>1</u> | AFFIRMATION of Service for Amended Complaint with Exhibits A,B, and C served on William B. Young on 2/11/10, filed by Mohamed Keita. (Galeano, Sonia) (Entered: 02/19/2010) |
| 02/25/2010 | <u>2</u> <u>2</u> | "FINAL AMENDED NAMES OF DEFENDANTS," filed by Mohamed Keita. (Galeano, Sonia) (Entered: 03/02/2010) |
| 02/25/2010 | <u>2</u> <u>3</u> | MOTION for Discovery (<i>w/ Affidavit/Affirmation and Affirmation of Service attached</i>) filed by Mohamed Keita. (Galeano, Sonia) (Entered: 03/02/2010) |
| 03/11/2010 | <u>2</u> <u>4</u> | MEMORANDUM AND ORDER, Although the Court need no longer speculate as to Keita's race, origin, and religion - as it was forced to do when considering his initial complaint - his conclusory allegation of discrimination is exactly the sort of "unadorned, the-defendant-unlawfully-harmed-me accusation" that cannot plausibly support a lawsuit. It cannot be a platform for any claim against deft Pease or any of the SBA employees he references in the supplemental filings or against the SBA itself. When a complaint fails to comply with the pleading requirements set forth in Rule 8, the district court may dismiss it sua sponte. In light of pltff's pro se status, he was granted a second bite at the apple. His complete failure to supplement his original complaint with any allegation of specific facts evidencing unlawful discrimination convinces the Court that any further opportunity to amend would be pointless. Accordingly, Keita's complaint is dismissed with prejudice. The Clerk of the Court is directed to enter judgment and close this case. (Terminating <u>19</u> Motion to Amend/Correct/Supplement; Terminating <u>23</u> Motion for Discovery) (Ordered by Judge Eric N. Vitaliano on 3/10/2010) c/m Fwd. for Judgment. (Galeano, Sonia) (Entered: 03/11/2010) |
| 03/15/2010 | <u>2</u> <u>5</u> | CLERK'S JUDGMENT: Ordered and Adjudged that plaintiff take nothing of the defendants; and that judgment is hereby entered dismissing Keita's complaint with prejudice. Ordered by Clerk of Court on 3/11/2010. C/M with appeals packet. (Brucella, Michelle) (Entered: 03/15/2010) |

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